UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,060	09/22/2003	Richard C. Schaftlein	2002P15893US01	7828

7590	04/11/2006		EXAMINER	
			PATEL, FAHD	

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 September 2003</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>22 September 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are presented for examination

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-4, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "essentially" in claims 2-4, 15, is a relative term, which renders the claim indefinite. The term "essentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hipp et al. (U.S PG Pub 2005/0020924 A1) hereafter Hipp.**

7.   As per claim 1, Hipp teaches

selecting an interface in a first operating environment (p. 6, ¶ 0051);

selecting a virtual slot in a second operating environment for installation of the interface (Fig. 11);

creating an installation file in the first operating environment for installation of the interface in the second operating environment (p. 6, ¶ 0053); and

installing the interface in the second operating environment using the installation file to reassign a resource between the first operating environment and the second operating environment (p. 6, ¶0054).

8.   As per claim 2, Hipp teaches that the first operating environment is essentially a non-real time operating environment and the second operating environment is essentially a real time operating environment (Fig. 11; p. 2, ¶ 0027; p. 6, ¶ 0052).

9.   As per claim 3, Hipp teaches that the second operating environment is essentially a non-real time operating environment and the first operating environment is essentially a real time operating environment (Fig. 11; p. 2, ¶ 0027; p. 6, ¶ 0052).

10.   As per claim 4, Hipp teaches that the first operating environment is an essentially

non-deterministic operating environment wherein scan cycles are variable, and the

second operating environment is an essentially deterministic operating environment

wherein scan cycles are non-variable (Fig. 11).

11.   As per claim 5, Hipp teaches that the installing step includes installing a real-time

device driver (Fig. 2; 220, Fig. 4; p. 5, ¶ 0049).

12.   As per claim 6, Hipp teaches the installing step overrides the installation of a

device driver associated with the first operating environment mode (504, Fig. 11).

13.   As per claim 7, Hipp teaches that installation parameters are obtained from the

first operating environment and used in the creation of the installation file (p. 6, ¶ 0057).

14.   As per claim 8, Hipp teaches deleting the installation file (p. 5, ¶ 0043).

15.   As per claim 9, Hipp teaches uninstalling the resource from a device driver

associated with the first operating environment (596, Fig. 15).

16.   As per claim 10, Hipp teaches enabling interrupt sharing for the reassigned

resource so that an interrupt may be used for more than one resource (p. 4, ¶ 0035; p.

5, ¶ 0044).

17.   As per claim 11, Hipp teaches

displaying the resource for reassignment (Fig. 11); and

selecting an empty interface slot in the second operating environment to receive

the resource, the resource being one of an interface, a card, a device and a port (Fig.

11; p. 4, ¶ 0035).

18.   As per claim 12, Hipp teaches modifying installation parameters to specify an

installation file for a real time driver (p. 5, ¶ 0054).

19.   As per claim 13, Hipp teaches updating a registry associated with the second

operating environment to reflect a reassignment of the resource (p. 6, ¶ 0056).

20.   As per claim 17, Hipp teaches that the assigning step includes associating the

assigned resource with a software component instance (p. 6, ¶ 0054).

21.   As per claims 14-16, 18- 32, they are rejected for the same reasons as claims 1-

13, 17 above.

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Kimura et al., Multi-OS Configuration Method (U.S Patent 6,996,828 B1).

- Marsh et al., First-class user-level threads, ACM Symposium on Operating

  Systems Principles, Pages: 110 – 121, Year of Publication: 1991

- Ghosh et al., Resource management of the OS network subsystem, Object-

  Oriented Real-Time Distributed Computing, 2002. (ISORC 2002), 29 April-1 May

  2002 Page(s):271 – 279.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fahd Patel whose telephone number is (571) 272-1044.

The examiner can normally be reached on 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

FHP
Assist. Examiner

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER